

Yitai Hu (SBN 248085) (yitai.hu@alston.com)  
 Sean P. DeBruine (SBN 168071) (sean.debruine@alston.com)  
 S.H. Michael Kim (SBN 203491) (michael.kim@alston.com)  
 C. Augustine Rakow (SBN 254585) (augie.rakow@alston.com)

**ALSTON + BIRD LLP**

Two Palo Alto Square  
 3000 El Camino Real, Suite 400  
 Palo Alto, California 94306  
 Telephone: 650-838-2000  
 Facsimile: 650-838-2001

T. Hunter Jefferson (admitted pro hac vice) (hunter.jefferson@alston.com)

**ALSTON + BIRD LLP**

One Atlantic Center  
 1201 West Peachtree Street  
 Atlanta, GA 30309-3424  
 Telephone: 404-881-7333  
 Facsimile: 404-253-8863

Attorneys for Plaintiff and Counterdefendant  
 ELAN MICROELECTRONICS CORPORATION

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

ELAN MICROELECTRONICS  
 CORPORATION,

Plaintiff,

v.

APPLE, INC.,

Defendant.

APPLE, INC.,

Counterclaimant,

v.

ELAN MICROELECTRONICS  
 CORPORATION,

Counterdefendant.

) Case No. 5:09-cv-01531-RS

)  
 )  
 ) **STIPULATION AND [PROPOSED] ORDER**  
 ) **CHANGING TIMES RELATED TO**  
 ) **SETTLEMENT CONFERENCE**

1 WHEREAS, in the Notice of Settlement Conference and Settlement Conference Order, Dkt. 40,  
2 the Court set deadlines culminating in a Settlement Conference on January 14, 2010;

3 WHEREAS lead counsel for Plaintiff Elan Microelectronics Corp., Yitai Hu, will be  
4 unavailable on January 14, 2010;

5 WHEREAS counsel agree to rescheduling the Settlement Conference as listed below;

6 NOW, THEREFORE, the parties hereby stipulate and ask the Court to order as follows:

- 7 1. The Settlement Conference is rescheduled for **February 11, 2010, at 9:30 a.m.**
- 8 2. The principals of the parties, with unlimited authority to settle the case, shall  
9 meet and confer *in person* on or before may meet and confer on or before  
10 **January 21, 2010**, to discuss settlement.
- 11 3. Plaintiff shall make a settlement proposal, in writing, by **December 24, 2009**,  
12 with a copy to Chambers.
- 13 4. Defendant shall respond and make a counter-proposal, in writing, by **January**  
14 **12, 2010**, with a copy to Chambers.
- 15 5. Each party shall prepare a Settlement Conference Statement, which must be  
16 LODGED with Chambers no later than **February 4, 2010**.
- 17 6. Other than the rescheduling of the dates listed above, no aspect of the Notice of  
18 Settlement Conference and Settlement Conference Order, Dkt. 40, is modified  
19 by this order.

20  
21 Respectfully Submitted,

22 Dated: November 23, 2009

ALSTON + BIRD LLP

23  
24 By: \_\_\_\_\_/s/\_\_\_\_\_  
Sean P. DeBruine

25 Attorneys for Plaintiff  
26 ELAN MICROELECTRONICS CORPORATION  
27  
28

1 Dated: November 23, 2009

WEIL, GOTHSAI & MANGES LLP

2  
3 By: \_\_\_\_\_/s/  
Sonal N. Mehta

4  
5 Attorneys for Defendant  
APPLE, INC.

6  
7  
8  
9 **[PROPOSED] ORDER**

10  
11 PURSUANT TO STIPULATION IT IS SO ORDERED.

12  
13 Dated: \_\_\_\_\_, 2009

\_\_\_\_\_  
14 Hon. Joseph C. Spero  
UNITED STATES MAGISTRATE JUDGE

Pursuant to General Order No. 45, Section X (B) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the signatory(ies) above.

Dated: November 24, 2009

ALSTON + BIRD LLP

By: /s/ Sean P. DeBruine

Attorneys for Plaintiff  
ELAN MICROELECTRONICS CORPORATION